June Term 1826.

August ye 11th 1755. (Frances Middlemore

Signed in the presence of us who have subscribed our respective names as witnesses to this Codicil

Robt Adair, Nathl Richardson, Jacob Lusby. 1758 Jany 26
Jno Gallion, William Bradford, Elizabeth Presbury

A second Codicil to the above will made after the executing the s^d will and first Codicil viz^t

I give and bequeath to Frances Garrettson daughter of George and Martha Garrettson the sum of fifty pounds current money.

Frances Middlemore

Signed in the presence of us who have subscribed our respective names as witnesses to this will in the presence of the^s Frances Middlemore and at her request Feby ye 13th 1758

Jno Gallion Elizabeth Presbury.

Maryland Baltimore County May 17th 1759. Robert Adair and Jacob Lusby two of the subscribing witnesses to the foregoing will hereunto annexed being duly and solemnly sworn on the Holy Evangelist of Almighty God depose and say that they saw the testatrix Frances Middlemore sign the foregoing will as also the first codicil to the said will and heard her publish and declare the same to be her last will and testament that at the time of his so doing she was to the best of their apprehensions of sound and disposing mind and memory and that they and each of them subscribed their respective names as witnesses to the said will at the same time they make oath that they saw the other witness Nath^l Richardson sign his name as a witness to the said will at the time John Gallion and Elizabeth Presbury the two subscribing witnesses to the second codicil makes oath that they saw the testatrix Frances Middlemore sign the same that she was at the time to the best of all their apprehensions of sound and disposing mind and memory that they also subscribed their names as witnesses to the said will and codicils in the presence of the said testatrix and at her request

Sworn before William Young Dep^y Com^y Ball^o County.

In Testimony that the aforegoing is a true Copy taken from the Records of the Register of Wills office for Baltimore county Liber B folio 290 &c^a I have hereunto set my hand and affixed the seal of my office this fifth day of August in the year of our Lord one thousand eight hundred and twenty three Wm Buchanan Reg^r

Register office Balt City LS

June Term 1826.

That Richard Dallam and Josias Dallam the devisees in said will named to whom the said tract of land is thereby devised took the same under said will had the land apportioned or divided between them that the said Richard Dallam married and had two sons namely John and William both of whom are still living that he conveyed his part of the land to his son John that the said Richard died in 1820 at the age of 74 years. That the said Josias Dallam sold part of the said land retaining about 125 acres the premises in question of which he died in possession in the year 1820 at the age of 73 years having married and leaving eleven children now living of whom the lessor of the Plaintiff is the eldest son and the tenant in possession in this action Francis I Dallam is another son The said tenant Francis having possession of the part of said land about 125 acres which remained unsold by his said father which by the will of said Josias his two sons aforesaid his executors are directed to sell with other property for payment of his debts that the said William de Dallam is the second child and eldest son of the said Josias Dallam.

If upon the above facts and will the court are of opinion that the said lessor of the plaintiff is entitled to recover any other or greater estate or right in the said land than the other children of the said Josias Dallam then judgment to be rendered in favor of the lessor of the plaintiff for the recovery of possession of said land But if otherwise judgment of nps

Verdict to be entered for the plaintiff subject to the opinion of the Court upon the above case stated. Bell air Sepr 4. 1823 Ch Mitchell } alt^s for Pff
Wm^s Hays
T Kell for Def^t

The foregoing statement not to affect any other case except this
Sepr 4. 1823 T Kell. Ch Mitchell.

Whereupon the said jurors so empannelled and sworn upon their oath do say that the said Francis I Dallam is guilty of the trespass and ejectment aforesaid of and in all that tract or parcel of land in the declaration aforesaid mentioned called Palmers Forest in manner and form as the said John Bean upon as aforesaid above complains.

Whereupon for that the Court here are not advised to give their judgment of and upon the premises aforesaid day therefore is given to the said parties to hear thereof their judgment until the second monday of March next for that the said Court here as yet are not &c^a

At which said second monday of March in the year of our